

1 JOSH COLE AICKLEN
Nevada Bar No. 7254
2 Josh.Aicklen@lewisbrisbois.com
CRAIG S. NEWMAN
3 Nevada Bar No. 3780
Craig.Newman@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
Telephone: 702.893.3383
6 Facsimile: 702.893.3789
Attorneys for Defendants TEODULO
7 CASTANEDA ZEPEDA and J&A
FREIGHT, INC a/k/a JORGE FUENTES

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

11 KRIYA BENN,
12 Plaintiff,
13
14 vs.
15 TEODULO CASTANEDA ZEPEDA and
J&A FREIGHT, INC a/k/a JORGE
16 FUENTES,
17 Defendants.

Case No. 2:23-cv-01847-JCM-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND
SCHEDULING ORDER [LR IA 6-1(a)
and LR 26-3]**

(Second Request)

18 Pursuant to LR IA 6-1(a) and LR 26-3, the parties, by and through their respective
19 counsel of record, hereby state as follows:

- 20 1. On November 9, 2023, Defendants filed its Petition for Removal of Action
21 Under 28 U.S.C. § 1441. (ECF No. 1).
22 2. On December 11, 2023, the parties submitted a Joint Status Report. (ECF
23 No. 9).
24 3. On December 13, 2023, this Court entered the Joint Discovery Plan and
25 Scheduling Order Submitted in compliance with LR 26-1(b)(ECF No. 10).
26 4. On February 29, 2024, the parties submitted a Stipulation and Order to
27 Extend Discovery Deadlines in compliance with IA 6-1 and LR 26-3 (First Request).
28 (ECF No. 14).

1 5. On March 1, 2024, this Court entered the Stipulation and Order to Extend
2 Discovery Deadlines (First Request)(ECF No. 15).

3 6. This is the second request by the parties to amend the Joint Discovery Plan
4 and Scheduling Order.

5 7. The parties stipulate and agree to extend the current deadlines for at least
6 ninety (90) days in order to allow additional time to take party depositions, gather
7 additional medical records and other documents, conduct treating physician and
8 designated expert depositions, propound and respond to additional written discovery,
9 while engaging in potential resolution.

10 8. This request is timely since it is being made 21 days before all remaining
11 discovery deadlines in the Stipulation and Order to Extend Discovery Deadlines (First
12 Request) pursuant to the Federal Rules of Civil Procedure.

13 **I. STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED:**

- 14 1. The parties exchanged initial disclosures and supplements.
- 15 2. Defendants propounded written discovery to Plaintiff.
- 16 3. Plaintiff served her responses to Defendants' discovery requests.
- 17 4. Plaintiff propounded written discovery to Defendants.
- 18 5. Defendants served their responses to Plaintiff's discovery requests.
- 19 6. The parties are currently working to schedule the deposition of Plaintiff.

20 **II. DISCOVERY YET TO BE COMPLETED:**

- 21 1. Conduct the deposition of Plaintiff Kriya Benn.
- 22 2. Conduct the deposition of Defendant Teodulo Castaneda Zepeda.
- 23 3. Conduct the deposition(s) of Defendant J&A Freight, Inc.'s FRCP 30(b)(6)
24 witness(es).
- 25 4. Notice and conduct depositions of fact witnesses.
- 26 5. Propound additional written discovery.
- 27 6. Depose Plaintiff's treating physicians.
- 28 7. Depose designated experts.

1 **III. WHY THE DEADLINES HAVE NOT BEEN SATISFIED:**

2 This is the parties' second request for an extension. The parties have been diligent
 3 in moving forward with discovery and have exchanged initial disclosures of witnesses and
 4 documents, supplemented initial disclosures, propounded written discovery and disclosed
 5 initial and rebuttal experts. The parties are currently working to schedule and conduct the
 6 deposition of Plaintiff. Additional depositions of witnesses are contemplated, including the
 7 deposition(s) of Defendant J&A Freight, Inc.'s FRCP 30(b)(6) witness(es) and Defendant
 8 Teodulo Castaneda Zepeda. However, defense counsel has been having difficulty
 9 contacting Mr. Zepeda. In addition, Plaintiff is still treating for her alleged injuries which
 10 necessitates the gathering of additional treatment records by the Defendants. This ongoing
 11 treatment will delay the depositions of Plaintiff's treating physicians.

12 Nevertheless, the parties need additional time to collect additional medical records
 13 and/or other documents, complete the depositions of Plaintiff and Defendants, complete the
 14 depositions of Plaintiff's treating physicians, complete the depositions of the parties'
 15 respective designated experts and entertain possible alternative dispute resolutions. The
 16 parties will not be able to complete the aforementioned discovery prior to the current close
 17 of discovery deadline. The parties are currently in settlement discussions and this extension
 18 will facilitate those discussions by reducing litigation costs.

19 Counsel for all parties are in agreement that a continuance of the discovery deadlines
 20 based on the dates below is necessary and unavoidable. The parties respectfully submit
 21 that the above and foregoing constitutes good cause for the extension of the discovery
 22 deadlines in this matter. Thus for good cause and not for the purpose of delay, the parties
 23 request that the discovery period be extended as follows:

24 <u>Activity</u>	<u>Current Date</u>	<u>Requested Date</u>
25 Discovery Cut-Off	09/03/2024	12/02/2024
26 Dispositive Motions	10/02/2024	12/31/2024
27 Joint Pretrial Order	11/04/2024	02/03/2025

1 If dispositive motion(s) are filed, the parties request that the pretrial order become
2 due 30 days after a ruling on the dispositive motion(s).

3 ~~first~~^{second} This request for extension of discovery deadlines is being made 21 days
4 before all remaining deadlines.

5
6 DATED this 13th day of August, 2024.

7
8 KAPLAN YOUNG

LEWIS BRISBOIS BISGAARD &
SMITH, LLP

9
10 /s/ Kory L. Kaplan

/s/ Craig S. Newman

11 KORY L. KAPLAN, ESQ.
12 Nevada Bar No. 13164
10091 Park Run Drive, Suite 190
13 Las Vegas, NV 89145
Tel: (702) 381-8888
14 Fax: (702) 832-5559
Attorneys for Plaintiff
KRIYA BENN

JOSH COLE AICKLEN, ESQ.
Nevada Bar No. 7254
CRAIG S. NEWMAN, ESQ.
Nevada Bar No. 3780
6385 S. Rainbow Boulevard, Ste. 600
Las Vegas, NV 89118
Telephone: (702) 893-3383
Facsimile: (702) 893-3789
Attorneys for Defendants TEODULO
CASTANEDA ZEPEDA and J&A
FREIGHT, INC. a/k/a/ JORGE
FUENTES

15
16
17
18
19 IT IS SO ORDERED

20 
21
22 Honorable Magistrate Judge Daniel J. Albregts

23
24 DATED: 8/14/2024